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09/800,113	03/06/2001	John C. Yundt-Pacheco	HEMA.71475	2746

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STINSON MORRISON HECKER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2800
KANSAS CITY, MO 64106-2150

EXAMINER

THAI, HANH B

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/800,113

Filing Date: March 06, 2001

Appellant(s): YUNDT-PACHECO, JOHN C.

Mark C. Young
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 6, 2005.

(1) *Real Party in Interest*

RD

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 1-8 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

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6,665,081

Suzuki

12-2003

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-8 are rejected under 35 U.S.C. 103 (a). This rejection is set forth in a prior Office Action, mailed on September 1, 2004.

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over French (U. S. Patent no. 5,437,024) in view of Suzuki et al. (U. S. Patent no. 6,665,081).

1. Regarding claim 1, French discloses a computer system (5, Fig. 2) having a laboratory information system application program (15, Fig. 2), an operating system (10, Fig.2) and a printer driver (76, Fig. 2), a method for formatting data from a group of laboratory instruments (15a-c, Fig. 2), the method comprising:

- Obtaining data indicative of outputs of the group of laboratory instruments by the laboratory information system application program (see Fig.2 and col.11, lines 41-57; col. 12, lines 60-63, French).
- transferring the data from the laboratory information system application program, to an operating system for printing (see col. 20. lines 43-52 and 65-67, French);
- transferring the data, by the operating system, to the printer driver (see col. 12, line 57 to col. 13, line 9 and lines 19-24, French);
- formatting the data, by the printer driver, into a format required by an external monitoring facility (see col. 11, lines 58-67, French); and

French, however, is silent with respect to the specific printer circuitry and software necessary for carrying out his invention. Suzuki, on the other hand, discloses state of the art printer driver circuitry and software necessary to carry out the objectives of French. Because French is silent with regard to printer drivers and querying buffers necessary to carry out the printing and Suzuki discloses an existing system that would work well with a printer in French. One of ordinary skill in the art at the time of the invention would have included the claimed feature as taught by Suzuki. The motivation of doing so would have been to save the computer memory cost (col.12, lines 62-63, Suzuki), as well as to provide an efficient and quality print product in French.

2. Regarding claim 2, French discloses a computer system (5, Fig. 2) having a laboratory information system application program (15, Fig. 2), an operating system (10, Fig.2), a printer driver (76, Fig. 2) and a port monitor (70, Fig. 2), a method for formatting data from a group of laboratory instruments, the method comprising:

- Obtaining data indicative of outputs of the group of laboratory instruments by the laboratory information system application program (see Fig.2 and col.11, lines 41-57; col. 12, lines 60-63, French).
- transferring the data, by the laboratory information system application program, to an operating system for printing (see col. 20. lines 43-52 and 65-67, French);
- transferring the data from the operating system to the printer driver (see col. 12, line 57 to col. 13, line 9 and lines 19-24, French);
- transferring the data from the printer driver to the port monitor (see col. 9, lines 56-62 and col. 10, lines 34-44, French);

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- formatting of the data, by the port monitor, into a format required by an external monitoring facility (see col. 11, lines 58-67, French); and

French, however, is silent with respect to the specific printer circuitry and software necessary for carrying out his invention. Suzuki, on the other hand, discloses state of the art printer driver circuitry and software necessary to carry out the objectives of French. Because French is silent with regard to printer drivers and querying buffers necessary to carry out the printing and Suzuki discloses an existing system that would work well with a printer in French. One of ordinary skill in the art at the time of the invention would have included the claimed feature as taught by Suzuki. The motivation of doing so would have been to save the computer memory cost (col.12, lines 62-63, Suzuki), as well as to provide an efficient and quality print product in French.

3. Regarding claims 3 and 4, French discloses a system for formatting laboratory instrument output data, the system comprising:

- A laboratory information system application program for receiving data out puts from one or more laboratory instruments (see Fig. 2 and col. 11, lines 41-67, French);
 - an operating system (see col. 16, lines 10-14) operable to run the laboratory information system application program and to provide centralized printing; and
- a printer driver for receiving data to be printed and formatting the data according to a predetermined format (see col. 11, lines 41-46 and col. 13, lines 35-45, French).

French, however, is silent with respect to the specific printer circuitry and software necessary for carrying out his invention. Suzuki, on the other hand, discloses state of the art printer driver circuitry and software necessary to carry out the objectives of French. Because

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French is silent with regard to printer drivers and querying buffers necessary to carry out the printing and Suzuki discloses an existing system that would work well with a printer in French. One of ordinary skill in the art at the time of the invention would have included the claimed feature as taught by Suzuki. The motivation of doing so would have been to save the computer memory cost (col.12, lines 62-63, Suzuki), as well as to provide an efficient and quality print product in French.

4. Regarding claims 5 and 7, French/Suzuki combination discloses that the format required for an external monitoring facility comprises a title portion and a data portion (see col.13, lines 50-57, French).

5. Regarding claims 6 and 8, French/Suzuki combination discloses that the title portion comprises a field for material title, a field for material level, and a field for material lot number, and wherein the data portion comprises a field for date, a field for time, a field for test result, and a field for unit identifier (see Fig.4, French).

(11) Response to Argument

I. Examiner's response to Appellant's argument I:

Appellant argues that "French does not disclose the storing of data for extraction by an external monitoring facility as in the claimed invention."

Examiner respectfully disagrees. French teaches at col. 19, lines 13-45 and Fig.8 the report corresponding to the "formatted data" contained in queue file and the print file is stored. Therefore, French clearly discloses the step of "storing the formatted data in a file for extraction by the external monitoring facility." Please note that the limitation "for extraction by the external monitoring facility" is not positively recited since it is for doing something and thus not given

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given much patentable weight because by its very nature what is stated before the word “for” it is capable of doing anything including for “extraction by the external monitoring facility.”

II. Examiner’s response to Appellant’s argument II:

Appellant argues that “Suzuki does not disclose the storing of data for extraction by an external monitoring facility as in the claimed invention.”

In response, Suzuki is used as a secondary reference showing that specific printer circuitry and software necessary to carry out the objectives of French.

III. Examiner’s response to Appellant’s argument III:

Appellant argues that “the combination of Suzuki and French does not disclose the storing of data for extraction by an external monitoring facility as in the claimed invention.”

As discussed above, French discloses the step of “storing the formatted data in a file for extraction by the external monitoring facility.” Suzuki is used as a secondary reference showing that specific printer circuitry and software necessary to carry out the printing. Therefore, the combination of Suzuki and French disclose the storing of data for extraction by an external monitoring facility.

For the above reasons, it is believed that the rejections should be sustained.


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Respectfully submitted,

Hanh B Thai
Examiner
Art Unit 2161

Hanh Thai

August 3, 2005


Conferees

Hosain Alam

Supervisory Patent Examiner, AU 2166


Charles Rones

Supervisory Patent Examiner, AU 2164

STINSON MORRISON HECKER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2800
KANSAS CITY, MO 64106-2150